

NCUTLO

NCUTLO

# **MODEL STANDARD SAFETY BELT LAW**

We bring you the

**"Rules of the Road"**

**National Committee on  
Uniform traffic Laws and  
Ordinances**

**JOHN W. ARCHER**

Chairman, National Committee

**PRESENTED BY:**

**LEILA A. OSINA, CAE**

Executive Vice President

**107 S. West Street, # 110  
Alexandria, VA 22314**

**800/807-5290-Toll Free**

**540/465-5383-Fax**

**The National Committee on Uniform Traffic Laws and  
Ordinances**

E-mail: [NCUTLOCEO@msn.com](mailto:NCUTLOCEO@msn.com)

Home Page: [www.ncutlo.org](http://www.ncutlo.org)

# A. Model Safety Belt Law

Thank you for requesting a copy of the National Committee's

## **MODEL STANDARD SAFETY BELT LAW**

(APPROVED - 7/25/97)

NCUTLO

This model project was begun as a result of requests from member states, traffic safety leaders, the federal government and the public to respond to the challenge of making our nation's roads as safe as possible through the use of safety belts.

Organizations who have provided input and assisted with the development of this working Draft include: **Air Bag Safety Campaign, Archer Analysis and Advocacy, Insurance Institute for Highway Safety, National Committee on Uniform Traffic Laws and Ordinances, National Highway Traffic Safety Administration, National SAFE KIDS Campaign, and the National Transportation Safety Board.**

This draft is now an official product of the National Committee on Uniform Traffic Laws and Ordinances. This model law may be considered by the full National Committee for inclusion in the Uniform Vehicle Code.

The process utilized to develop this model draft included numerous written revisions and lively discussions aimed at creating a model which will be useful to the largest number of legislatures. The Task Force completed a draft, which was circulated for nearly four months of comment. When all comments were received, the Task force reconvened and addressed each comment, resulting in the draft included here.

The overall purpose of the Task Forces in drafting these model laws was to provide guidance to those states wishing to redesign their restraint laws. The Committee recommends that states review their current safety belt and child restraint laws to see if gaps exist and if adoption of this model or the Model Child Restraint Use Law could assist in removing those gaps.

One final note... we would like to hear from you if you choose to utilize this model. We would appreciate your sending us the basic information on its use, such as name and affiliation of user, editing and drafting changes, and specific plans for use. And, of course, should you be successful in passing legislation based on this draft, we would like to receive a copy of your law.

For further information, response materials or to comment on this law, please call, fax, e-mail at [NCUTLOCEO@msn.com](mailto:NCUTLOCEO@msn.com) or write to: National Committee on Uniform traffic Laws and Ordinances (NCUTLO), 1800-807-5290, at the address to the right

NCUTLO

We bring you the

### **"Rules of the Road"**

**National Committee on  
Uniform traffic Laws and  
Ordinances**

JOHN W. ARCHER

Chairman, National Committee

LEILA A. OSINA, CAE

Executive Vice President

**107 S. West Street, # 110  
Alexandria, VA 22314**

**800/807-5290-Toll Free**

**540/465-5383-Fax**

E-mail:

[NCUTLOCEO@msn.com](mailto:NCUTLOCEO@msn.com)

Home Page: [www.ncutlo.org](http://www.ncutlo.org)

# THE NATIONAL COMMITTEE'S

## Model Standard Safety Belt Law

9/7/97

**Purpose:** The purpose of this legislation is to reduce injuries and fatalities on the streets, roads and highways by requiring all drivers and all passengers to wear safety belts meeting applicable federal motor vehicle safety standards while riding in motor vehicle and by authorizing standard enforcement.<sup>1,2</sup>

### Section 1: Title.

This act may be cited as the [state's] Safety Belt Act.

### Section 2: Definitions.

#### As used in this act:

(a) "Motor vehicle" means any motor vehicle having a gross vehicle weight of 10,000 pounds or less that is required to be equipped with safety belts by Federal Motor Vehicle Safety

---

<sup>1</sup> ***Drafters' Note:*** In the absence of limitations on enforcement, all laws authorize standard ("primary") enforcement. Consequently, no special language is needed to authorize primary enforcement of seat belt laws.

Secondary safety belt laws uniquely restrict enforcement by specifying that officers may not issue a citation solely for a belt infraction, but also must have another legal reason to stop the vehicle.

This model law is a primary law. Nevertheless, the drafters strongly recommend use of the term "standard safety belt use law" in describing this or any other safety belt law which does not restrict enforcement because the absence of a secondary provision limiting enforcement merely establishes an enforcement standard comparable to other traffic laws.

<sup>2</sup> This model law is intentionally silent on the admissibility in civil lawsuits of evidence of noncompliance with safety belt usage requirements.

The drafting committee notes that a number of proposals have been made (and some enacted) which would alter state tort law as applied to lawsuits arising from traffic crashes where potential plaintiffs were not wearing a safety belt. Some of these proposals would require that such noncompliance always be admissible evidence, while others would stipulate that noncompliance with a safety belt law could never be admitted into evidence. The drafting committee believes that no such provision(s) should be included in any safety belt law, and any such provisions now enacted should be repealed, in order to allow the application of traditional state tort to determine civil lawsuit evidentiary questions.

Standard No. 208. Passenger cars are required to have belts if built after December 31, 1967. Light trucks and multi-purpose vehicle are required to have safety belts if built after December 31, 1971.

(b) "Driver" means a person who drives or is in actual physical control of a motor vehicle.

(c) "Safety belt" means any strap, webbing, or similar device designed to secure a person in a motor vehicle including all necessary buckles and other fasteners, and all hardware designed for installing such safety belt assembly in a motor vehicle.

### **Section 3: Application.**

This act shall apply to drivers and all occupants of motor vehicles on the streets, roads, and highways of this state.

### **Section 4: Operation of motor vehicle with safety belts.**

(a) Each driver of a motor vehicle in this state shall have a safety belt meeting applicable federal motor vehicle safety standards properly fastened about his or her body at all times when operating a motor vehicle.

[(b) Alternate 1 - The driver of a motor vehicle in this state shall not operate a motor vehicle unless the driver secures or causes to be secured in a properly adjusted and fastened safety belt or child restraint meeting applicable federal motor vehicle safety standards all passengers and secures any passenger 12 or younger in the rear seat, unless all available rear seats are in use by other passengers 12 or younger.<sup>3</sup>]

[(b) Alternate 2 - The driver of a motor vehicle in this state shall not operate a motor vehicle unless every occupant is secured in a properly adjusted and fastened safety belt or child restraint system meeting applicable federal motor vehicle safety standards and

consistent with the [state's] child restraint use law.<sup>3</sup>]

(c) Every occupant of a motor vehicle in this state shall have a safety belt meeting applicable federal motor vehicle safety standards properly fastened about his or her body at all times when the vehicle is in operation.

<sup>3</sup> Drafters' Recommendation: In the event of a crash, the rear seat is the safer seating position. The drafters recommend language to provided maximum protection to children 12 and under. (4b Alternate 1). This issue is particularly important in light of injuries and fatalities that have occurred when infants and young children have gotten in the path of an air bag early in its inflation. The risk is greatest for infants in rear-facing child restraint and unbelted children traveling in the front seats of vehicles with passengers side air bags.

#### **Section 5: Exemptions**<sup>4</sup>

(a) The provisions of section (4) (c) shall not apply to children covered by [ cite to the state's child restraint use or law].

(b) The provisions of section (4) shall not apply to persons with a physically disabling condition whose physical disability would prevent appropriate restraint in safety belts, provided, however, such condition is duly certified by a physician who shall state the nature of the condition, as well as the reason such restraint is inappropriate.

(c) The provisions of this law shall not apply to passengers cars built prior to December 31, 1967 and possessing no safety belts.

(d) The provisions of this law shall not apply to passengers vehicles which are not required to be equipped with safety belts.

#### **Section 6: Penalties**<sup>5</sup>

**A person who violates section (4) (a), (b), or (c) of this act shall be punished by a fine of not less than \$25.00 nor more than \$50.00, [and court costs] .** 6

<sup>4</sup> Taxicab exemptions are common. The following additional Section 5 (e) is offered to exempt drivers from responsibility for adult passengers but not for underage passengers

"(e) The provisions of section (4) (b) shall not apply to taxicab drivers [with regard to passengers age 18 and older]."

<sup>5</sup> **Drafters' Recommendation:** License sanctions (e.g., "points") have been shown to be among the most effective methods of increasing compliance with traffic laws. Survey research has demonstrated that persistent safety belt law violators are unwilling to use safety belts even when high fines are imposed. they report that license sanctions would , however, increase their compliance. The following is offered for those legislators wishing to consider imposition of points or other license sanctions for violators of the Safety Belt Law.

**For states with point systems:**

" Section 6: (b) A person who violates section 4(a) or (b) of this act shall be assessed [2] points.

**For states that do not have points systems:**

" Section 6: (b) Violation of Section 4(a) or (b) shall be considered a minor moving offense for the purpose of driver license records

<sup>6</sup> ***Drafters' Recommendation:*** States may choose to raise the upper limit of the range of fines, but should not consider reducing the lower of the range.

---

## **B. Interview Summary List**

### **INTERVIEW SUMMARY**

THE FOLLOWING INTERVIEWS HAVE BEEN CONDUCTED IN CALIFORNIA

#### **REGIONAL**

NHTSA Regional Administrator  
Office Of Traffic Safety

- Governor's Representative
- California Director, Office of Traffic Safety
- Legislative Liaison

#### **LEGISLATIVE**

Office of Special Representatives, California Highway Patrol  
Legislative Liaison, Department of Motor Vehicles  
Legislative Advocate, California Peace Officers, Police Chiefs and Sheriffs' Assoc.  
Legislative Counsel, California Auto Association

#### *Assembly*

- Committee Staffer, Transportation
- Counsel for Speaker of the House, Willie Brown
- Author of AB338, primary seat belt law

#### *Senate*

- Staff Director, Transportation Committee
- Committee Staffer, Transportation
- Counsel, Senate judiciary Committee
- Consultant, Traffic Safety Issues, Judiciary Committee

## **COALITION TASK FORCE**

### *California highway Patrol*

- Commissioner of California Highway Patrol
- Deputy Commissioner of California Highway Patrol
- Project Director, Seat Belt PAC
- Chair, Law Enforcement Committee
- Office of Public Affairs, California Highway Patrol
- Member, Media Committee
- Captain, Office of Special Projects

Executive Director, Trauma Foundation

Director, Injury Control, Health Services

Manager, Traffic Safety Dept., California State Auto Association

Director, Women in Transportation

President, Women in Highway Safety

The following interviews were conducted in Maryland

## **NATIONAL**

Director, National Safety Belt Campaign

## **REGIONAL**

NHTSA Regional Administrator

Governor's Rep, Traffic Safety Division, State Highway Administration

## **LEGISLATIVE**

Lobbyists from private industry including insurance

### *House*

Speaker of the House

Vice-Chair, Commerce and Government Matters Committee

Legislative Counsel, Commerce and Government Matters

Opposition Leader, Commerce and Government Matters

Members, Commerce and Government Matters

Opposition, Black Caucus

### *Senate*

Senator, Sponsor of the bill

Chair, Judiciary Committee

Legislative Counsel, Judiciary Committee

## **COALITION**

Executive Director, Maryland Committee for Seat Belt Use

Media Consultant

Lobbyists

## **OPPOSITION**

One who testified at committee hearings

Black Caucus Delegate

Delegates from staunch anti-government communities

## **THE FOLLOWING INTERVIEWS WERE CONDUCTED IN GEORGIA:**

### **REGIONAL**

NHTSA Regional Administrator and Safety Resource Officer

Governor's Rep, Traffic Safety Division, State Highway Administration

Leg. Liaison, Ga. Dept of Public Safety

### **LEGISLATIVE**



*House*

*Senate*

Senate Minority Leader  
Senate Minority Whip  
Senate, strong supporter

## **COALITION**

Media Consultant  
GM and Ford Regional Managers of Corporate Affairs, Industry and Govt.. Relations

THE FOLLOWING INTERVIEWS WERE CONDUCTED IN WASHINGTON DC:

## **REGIONAL**

NHTSA Regional Director  
Mayor's Representative, Department of Public Works

## **COALITION**

Representatives from the Advocate for Highway and Auto Safety and Citizens Against speeding and Aggressive Driving

Law Enforcement Officer

THE FOLLOWING INTERVIEWS WERE CONDUCTED IN OKLAHOMA:

## **REGIONAL**

NHTSA Regional Director  
Oklahoma Highway Safety Officer

- Governor's Representative
- Deputy
- Primary Manager
- Public Information Officer

## **LEGISLATIVE**

Sponsor of legislation in the House

## **COALITION**

Chairperson

THE FOLLOWING INTERVIEWS WERE CONDUCTED IN LOUISIANA

## **REGIONAL**

NHTSA Regional Director

Retired and Current Governor's Representative, Louisiana Highway Safety Council

## **LEGISLATIVE**

House sponsor

## **COALITION**

Law enforcement officer

Public relations specialist

Note: Interviewees may no longer hold the position that they held at the time of the passage of the bill. Title and role identified are those held during that passage process.

---

## **C. Interview Guide**

### **INTERVIEW GUIDE**

NAME

PHONE

TITLE

LOCATION

ORGANIZATION

DATA OF CONTACT

INTERVIEWER

## **I. Background of Project**

NHTSA-sponsored study of recent passage of primary safety belt use laws to help achieve the President's goal of 85% compliance by the year 2000.

Overall project objectives: Five State plus DC in terms of legislative history on move from secondary to primary enforcement of safety belt laws.

Assurance of  
confidentiality:

No one's comments identified in the report. Information will be summarized in an overview of legislative history. Other information will be summarized on an issue basis, not state specific.

## **II. Interviewee's Perspective and Role**

Can you give me a general sense of what the public sentiment was regarding primary belt law passage when this bill was introduced?

Probe:  
Indifferent?

General population supportive? Hostile? Did not know/

polling data/personal experience

How did you come to that perception? e.g., based on

What was the key impact or influence of public sentiment?

What role did you play in the legislative change from secondary to primary law status in [name study site]?

Probe: Organization's role(s)  
Individual's role(s)

What resources did you mobilize to support your position?

Infusion of funding

Probe:

Time

Communications

What did the communications  
consist of?

For example: ads emphasizing polling data  
supporting/rejecting argument for safety belt  
use and enforcement?

Call to action for supporters of view?

What resources did you mobilize to counteract the  
other side's position?

what do you think could have been effective but that  
you didn't or couldn't do - e.g., for lack of resources;  
availability, knowledge

- generate support for passage?
- generate opposition to passage?

### **III. Perception of Key Players**

Who would you identify as the key players -- and their positions -- in that legislative  
change?

(Unaided)

Key players

People

Organizations

Probe:

Supporters of the change

Opponents of the change

Who were your key allies?

Who else provided support?

What coalitions formed to pass the law?

Did the different coalitions -- on the same side of the issue -- together?

Why or Why not?

How well did the work together?

How did the coalitions work at different points in the legislative process?

Who were leaders? What made them effective?

Probe:

Beyond charisma - organization skills, diplomacy, negotiation skills, public speaking?

Focus on individual component: For each of the above --

Probe:

What arguments in support of their view were used?

How did they communicate their view?

What approaches did they use?

Probe: Stress obstacles and conflicts and how they were overcome

How did the other side react to that approach?

How effective do you think that approach was?

what do you think could have made their effort more effective?

Persuasive? Cheaper? Faster?

---

**Draft Interview Guide: Passage of Primary Safety Belt Laws**

**17 October 1997**

---

Do you think there were more effective ways to counteract their opposition or handle legislative obstacle?

How was the opposition vulnerable?

#### **IV. Perception of Key Events Leading to Primary Law**

Sequence of events: overview of legislative and social history

Prior failures to pass

Critical events in eventual passage

Committee process - coalition building - fund-raising - hiring lobbyist

What changes took place in the process that led to the bill's successful passage?

#### **Probe for the relative importance of each of the following:**

Grass roots organization efforts (from either perspective)?

Incident? High profile crash?

Charismatic leader - either legislatively or organizationally?

Do you perceive that the process was more "bottom up" or "top down" in terms of building support for the primary bill?

#### **C. Role of NHTSA/Governmental Support**

e.g., Operation Buckle Down

Traffic Safety Now

sTEP

#### **D. Role of lobbyists**

Funding sources and perspectives

Ability to work with grass roots organizations

E. Role of Media

What role did the media play in the process?

How effective was the media? In what way?

What role could the media have played?

How might you have brought that about?

Are there certain media do's or don'ts that you note for others involved in the process?

F. Role of community activists

Police

Insurance companies

Medical community

**VII. Referrals**

Most of this should have been picked up in the above discussion of key people and organizations, but probe:

Who else do you think it's important for us to talk with? Why them?

Probe: key roles and perspectives

Are there any clips files, testimony records, or other key documents that would help strengthen this legislative history?

## **D. Interview Protocol**

### **INTERVIEW PROTOCOL**

TO: L+A AND PRG INTERVIEWERS  
FROM: NAN RUSSELL HANNAPEL, L+A  
DATE: 17 OCTOBER 1997  
RE: INTERVIEWS FOR NHTSA-SPONSORED RESEARCH REGARDING THE  
LEGISLATIVE HISTORY OF PASSAGE OF PRIMARY SAFETY BELT USE LAWS

To reiterate our basic objectives and commitments:

- We seek to understand the legislative process and all perspectives' involvement in that process.
- We are to explore relevant strategies, tactics, negotiations, and political incentives and disincentives
- We are to identify key legislative obstacles - including opposition, indifference - as well as how each was anticipated, avoided, addressed or ignored.

Procedure:

Initial contacts in each jurisdiction are to be with the NHTSA Regional Administrator and the Governor's Highway Safety Representative. Contacts generated through interviews with these initial contacts should represent a wide spectrum of individuals and organizations involved in the safety belt use law legislative process. Including:

- State Legislators and staff
- Executive branch players, including, where appropriate, the Governor and staff, state highway safety office, and other state agencies
- Grassroots efforts associated with local efforts, including distinctive efforts by state national level associations and groups

As a reminder, some of the key players may no longer be in place - and we will need to find current contact information for them.

Key areas of inquiry include:

- Difficulties encountered among organization and individuals who were working toward the same goal, including planning, consensus building, ongoing coordination and conflict resolution within the traffic safety community
- Subjective evaluations of the effectiveness and efficiency of the key players and key



campaign activities in passing the primary law.

- Indications of pressure points throughout the legislative process. What strategies